

appeared with them as an interpreter.

5. John W. Kocourek, Attorney at Law, also appeared with Gary and Phyllis as their attorney.

6. Prior to the filing of the minutes of the § 341 meeting on September 27, 1991 the Court was not advised that either Gary or Phyllis were hearing impaired or that they would require an interpreter at the § 341 meeting. Further, the court was not advised that Ms. Hornback would be attending the creditors' meeting or the nature of her qualifications.

DISCUSSION

The use of interpreters in the Federal Courts is governed by 28 U.S.C. § 1827. Upon examination of this code section the court concludes the Application for Sign Language Interpreting Services must be denied for the following reasons.

Pursuant to § 1827, a list of certified interpreters is maintained in the Clerk of Court's office and the Clerk is responsible for securing the services of certified interpreters required for proceeding initiated by the United States. (28 U.S.C. § 1827(c)).

There is no showing here that the interpreter's name was drawn from a certified list maintained in the Clerk's office.

In case a certified interpreter is not reasonably available, the presiding judicial officer may utilize the

services of an interpreter if the presiding judicial officer determines that a witness speaks only or primarily a language other than the English language or suffers from a hearing impairment which inhibits a party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or which inhibits a witness' comprehension of questions and the presentation of that witness' testimony.

28 U.S.C. § 1827(d)(1).

This subsection further requires a presiding judicial officer to make findings and conclusions before an interpreter is used which includes whether a noncertified interpreter is qualified to act as such.

28 U.S.C. § 1827(i) defines a "presiding judicial officer" for purposes of this section as "any judge of a United States, District Court, including a bankruptcy judge, a United States magistrate, and in the case of grand jury proceedings conducted under the auspices of the United States Attorney, a United States Attorney."

Accordingly, the U.S. Trustee or interim trustee at a § 341 meeting would not fit the definition of a "presiding judicial officer" and there were no findings and conclusions by a "presiding judicial officer" that the services of an interpreter were required or that the interpreter was qualified. This does not mean or imply that the interpreter

was not qualified, only that there were no findings to support such a conclusion.

11 U.S.C. § 341(a) provides that the United States Trustee convenes and presides at a meeting of creditors within a reasonable time after the Order for Relief. Section 341 of the Bankruptcy Code operates in conjunction with Bankruptcy Rule 2003 and U.S. Trustee's Rule X-1006 to establish the standards governing the meeting of creditors.

Section 341(c) provides that the bankruptcy court may not preside at, and may not attend, any meeting of creditors. Pursuant to Bankruptcy Rule 2003(b)(1), the presiding officer has authority to administer oaths even though the presiding officer is not a judicial officer.

The Court concludes that the meeting of creditors pursuant to 11 U.S.C. § 341 is not a judicial proceeding for purposes of 28 U.S.C. § 1827. Rather, the § 341 meeting is an administrative proceeding.

Provision is made in 28 U.S.C § 1827(g)(4) for the appointment of an interpreter on a cost-reimbursable basis, but prepayment of the estimated expenses of providing such services may be required. However, this provision necessarily calls for a pre-hearing request and there was none in this case,

The Court concludes that 28 U.S.C. § 1827 does not

authorize the appointment of an interpreter for use of the Debtors at the meeting of creditors held on September 27, 1991.

IT IS ACCORDINGLY ORDERED that Debtors application is denied.

Dated this 21st day of November 1991.

JUDGE

RUSSELL J. HILL
UNITED STATES BANKRUPTCY